IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 1606 OF 2007

Shri Sohanlal Shankarlal Sharma ..Petitioner

Vs.

The State of Maharashtra ..Respondent

Mr. A.M. Saraogi for petitioner.
Mr. D.P. Adsule, APP for State.

CORAM: B.H. MARLAPALLE, J.

Date : October 16, 2007.

P.C.:

. Heard Mr. Saraogi the learned counsel for the petitioner who is the owner of the goods Truck bearing Registration No.RJ-06-G-4177 and it appears to be a Trailer-Truck registered in the State of Rajasthan. By the impugned order dated 25/6/2007 the learned Additional Sessions Judge at Thane was pleased to release the said vehicle by way of interim custody pending the final disposal of C.R. No.I-176 of 2007 registered with the Mumbra Police Station for the offences punishable under Sections 302 and 353 of IPC and Sections 17(1), 177, 134(1) and (2) of the Motor

Vehicle Act, 1988, by furnishing a bank guarantee of Rs.5,00,000/-.

. Mr. Saraogi the learned counsel for the petitioner stated that the condition of furnishing bank guarantee of Rs.5,00,000/- is not only harsh but it is totally unreasonable and the same should be replaced by an undertaking that the petitioner, the owner of the vehicle, would present the vehicle to the concerned police station once in three months.

. Having regards to the fact that the vehicle is registered in the State of Rajasthan and the petitioner is also a permanent resident of the State of Rajasthan, I am not inclined to replace the condition. However, I am inclined to reduce the bank guarantee amount to Rs.4,00,000/-.

. Hence, the bank guarantee amount is reduced from Rs.5,00,000/- to Rs.4,00,000/- and if the bank guarantee is furnished, the condition of presenting the vehicle once every month for inspection of the RTO is dispensed with subject to the petitioner submitting

the registration and insurance papers including the original documents for necessary verification by the RTO to the concerned Police Station i.e. Mumbra Police Station.

. Save and except the above modifications, the impugned order is maintained.

. Petition disposed off accordingly.

(B.H. Marlapalle,J.)